

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department—Land Acquisition for House Sites –West Godavari District – Tanuku Town and Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.12,03,142/- towards balance decretal charges in LAOP No.42/85, 43/85 and 44/85 – Orders- Issued.

SOCIAL WELFARE (LA.1) DEPARTMENT

G.O Rt.No. 86

Dated: 10.02.2014

Read the following

1. From the District Collector, West Godavari. Lr. No.F5 (G4)76/2000(SW),
Dated 26.11.2012.
2. From the Commissioner of Social Welfare, AP, Hyderabad Lr. No.LA.3/1231/
2001, Dated 10.12.2012
3. From the Spl Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad Lr. No.S2/1131/2012, Dt :02.08.2013

O R D E R:

In the reference 3rd read above, as reported by the Commissioner of Social Welfare, A.P., Hyderabad/District Collector, West Godavari , the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has stated that the LAO/Tahsildhar, Tanuku has acquired land to an extent of Ac. 6.49 Cts in R.S.No : 344/1 etc situated at Tanuku Mandal and Town in Award No. 6/1984 dated 30.09.1984 for providing house sites to the weaker sections, duly fixing the market value at Rs. 40,000/- per acre. Aggrieved by the Fixation of the Market Value Awarded by the LAO, the claimant have filed O.P, before the Subordinate Judge, Tanuku in LAOP No : 42/85, 43/85 & 44/85. On the reference made U/s. 18 of LA Act. The Lower Court has issued orders dated : 26.04.1999 as follows:

1. The Market Value of the acquired land in this case is to be enhanced from Rs. 40,000/- per acre to Rs. 90,000/- per acre.
2. That the claimants to be and is also entitled to Solatium at 30 % on the enhanced market value and 12% additional amount on the market value from the date of notification i.e. 01.02.84 till the date of possession i.e 7.03.1984 and.
3. They are also entitled to interest @ 9% from 08.03.94 to 7.03.85 and at 15% per annum from 08.03.85 till the date of realization on the market value and
4. The Claimants in OP. No : 44/85 and her daughter Tatina Renuka are entitled the enhanced compensation amount along with the benefits. The 2nd claimant in OP. No : 44/85 and her son Polina Atchuta Rama Rao, are entitled to enhanced compensation to the extent of Ac. 0.25 Cts. The 1st claimant in OP. No : 44/85 is entitled to enhanced compensation on the remaining extent of Ac. 0.50 Cts.

Further the market value enhanced by the Civil Court in OP.No.42/85, 43/85 and 44/85 is more than 100 % the Land Acquisition Officer and Mandal Revenue Officer, Tanuku has preferred appeal against the Lower Court orders after obtaining permission from the District Collector, West Godavari District vide his proceeding Roc. No.F5(SW)/76/ 2000, Dated 24.10.2000, the Land Acquisition Officer and Tahsildhar, Tanuku has filed appeal against the Lower Court orders before the Hon'ble High Court, Andhra Pradesh, Hyderabad. The Hon'ble High Court has granted stay on condition of depositing of half of the decretal amount within 10 weeks permitting the respondents to withdraw the same on deposit. As per High Court directions the District Collector, West Godavari. District has sanctioned half of the decretal amount in those cases vide Procs Rc.No.F5(SW)/76/2000, dt 06.02.2002 and the same was deposited in the Civil Court, Tanuku on 19.02.2002. The following are the details mentioned hereunder.

Sl. No	O.P.No	E.P.No	Appeal No	C.M.P.No	Amount deposited in Civil Court
1	42/85 dt : 26.04.1999	84/1999	A.S.S.R No. 96030/2000	1155/2001 dated 20.01.2001	5,05,488.00
2	43/85, dt : 26.04.1999	49/2000	A.S.S.R No. 96024/2000	5030/2000, dated 20.1.2001	42,103.00
3	44/85, dt : 26.04.1999	85/1999	A.S.S.R No. 98645/2001	4387/2001, dated 20.01.2001	71,297.00
Total Amount Deposited					6,18,888.00

Aggrieved by the Lower Court orders, the claimants are filed CMP. No. 3289/2003, Dated 20.02.2003 in A.S. No : 1774/2001 in O.P. No. 44/1985 and the Hon'ble High ordered as follows :

“ The learned Govt Pleader submitted that the amount directed to be deposited by this Court has been deposited but, there is a delay of (325) days. “

And also some of the claimants are filed CMP No : 3290/2003 in AS. No. 2041/2001 in OP No. 44/1985 and the Hon'ble High Court ordered as follows :

“ The learned Govt Pleader submitted that the amount directed to be deposited by the Court has been deposited but, there is a delay of (263) days. “

2. The Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further, submitted that the then Tahsildhar, Tanuku has obtained stay orders from the Hon'ble High Court against the above Execution Petition in OP. No.42/85, 43/85 vide C.M.P. No. 3289/2003, dated 20.02.2003 and C.M.P. No.3290/ 2003 in A.S. No.1774/2001, dated 28.02.2003 respectively. Later the appeals filed by the State was dismissed by the Hon'ble High Court in A.S. No 1774/201, 2041/2001 & L.A.A.S No : 615/2006 in a common order, dated 31.1.2011 that “ this court has already fixed market value at Rs. 90,000/- per acre as per judgment and decree in A.S. No ; 1784/88, dt : 31.07.1996 which was marked as Ex-A-2 and the Court fixed the market value accordingly. The Government Pleader Appeals, AP, High Court Hyderabad in his Lr. dated 16.10.2012 has advised to comply with the Judgment as no purpose would be served, even if an Appeal /SLP is filed. The District Collector, West Godavari. has submitted proposals for sanction of Rs. 12,01,675/- in LAOP. No 42/85, 43/85 & 44/85 dt : 26.04.1999 towards payment of decretal charges for the lands acquired to an extent Ac 6.49 Gts in R.S. No.344/1 etc., situated at Tanuku Mandal and Town for providing House sites to weaker sections.

3. After verification and scrutiny of the proposals submitted by the District Collector, West Godavari/Commissioner of Social Welfare, A.P., Hyderabad, the Spl Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has sent comparative calculation sheet for amount of Rs. 12,03,142/- (Rupees Twelve lakhs three thousand one hundred and forty two only) in LAOP No 42/85, 43/85 & 44/85 towards payment of decretal charges for the lands acquired to an extent Ac 6.49 Gts in R.S. No : 344/1 etc., situated at Tanuku Mandal and Town for providing House sites to weaker sections, in consultation with Law Departments after due verification of the amounts proposed with concurrence of Finance Department.

4. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs. 12,03,142/- (Rupees Twelve lakhs three thousand one hundred and forty two only) to the District Collector, West Godavari in LAOP No 42/85, 43/85 & 44/85 towards payment of decretal charges for the lands acquired to an extent Ac 6.49 Gts in R.S. No : 344/1 etc., situated at Tanuku Mandal and Town for providing House sites to weaker sections.

Contd.,

5. The expenditure sanctioned in para (4) above shall be met within the BE.2013-14 and debited to the following Head of Account:

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

6. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, West Godavari to comply with the Court orders in LAOP No 42/85, 43/85 & 44/85

7. The District Collector, West Godavari shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

8. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)**

To

The Spl Chief Secretary & Chief Commissioner of Land Administration,
A.P., Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, West Godavari .

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The District Treasury Officer, West Godavari District.
Finance (Exp.SW/BG) Department
SF/SC.